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Docket No. CITI0035-CON   PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

Michael GRANDCOLAS, et al.   Group Art Unit: 2161

U.S. Serial No.: 09/240,588
                                    Examiner: Elisca, P.
Filed: February 01, 1999

For: METHOD AND SYSTEM FOR AUTOMATICALLY HARMONIZING ACCESS
       TO A SOFTWARE APPLICATION PROGRAM VIA DIFFERENT ACCESS
       DEVICES

Box AF
Commissioner of Patents
Washington, D.C. 20231

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PETITION UNDER 37 CFR 1.181(a)
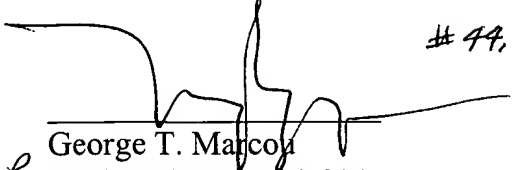## TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Pursuant to 37 CFR 1.181(a) and MPEP 711.03(c), the undersigned respectfully

petitions the Commissioner for Patents to withdraw the holding of abandonment.

The Notice of Abandonment is incorrectly based on the alleged failure to respond to the

Office Action mailed on March 20, 2002. Attached is a copy of the post card receipt, a petition

for four-month extension of time, and the Appeal Brief that were filed on October 21, 2002 (i.e.,

six months from the Notice of Appeal filed on April 18, 2002), as evidence of the response to

the Office Action mailed on March 20, 2002.

Therefore, the Notice of Abandonment is in error, and it is respectfully requested that such Notice be withdrawn.

Respectfully submitted,

Date: ___11 / 14 / 2002_____

By: _____ #44,465

for   George T. Marcou

Registration No. 33,014

KILPATRICK STOCKTON LLP
Suite 900
607 14th Street, N.W.
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GTM/THN/T0091.094251/159447

Please return this card, indicating receipt date and Serial No., if applicable, of the following

Transmittal Form (1p); Petition for Extension of Time to File (4-mo) (1p); Appeal Brief (in triplicate) (9pp); and checks for $320 and $1440.

Applicant(s):	Michael GRANDCOLAS, et al.
Title:	METHOD AND SYSTEM FOR AUTOMATICALLY HARMONIZING ACCESS TO A SOFTWARE APPLICATION PROGRAM VIA DIFFERENT ACCESS DEVICES
Serial No.:	09/240,588
Filing Date:	February 1, 1999
Docket No.:	CITI0035-CON
Due Date:	October 19, 2002

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/240,588
Filing Date	February 01, 1999
First Named Inventor	Michael GRANDCOLAS
Group Art Unit	2161
Examiner Name	ELISCA, Pierre E.

Total Number of Pages in This Submission		Attorney Docket Number	CITI0035-CON

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NOV 14 2002
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ENCLOSURES *(check all that apply)*

☐ Fee Transmittal Form

☒ Fee Attached

☐ Amendment / Response

  ☐ After Final

  ☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

  ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers *(for an Application)*

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☒ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) *(please identify below):*

Checks for $1,440.00 and $320.00.

Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	GEORGE T. MARCOU REGISTRATION NO. 33,014
Signature	
Date	10/21/12

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	
Signature		Date	

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) CITI0035-CON

In re Application of Michael GRANDCOLAS, et al.	
Application Number 09/240,588	Filed February 01, 1999
For Method and System for Automatically Harmonizing Access To A Software Application Program Via Different Access Devices	
Group Art Unit 2161	Examiner ELISCA, Pierre E.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

    ☐ One month (37 CFR 1.17(a)(1)) $_____

    ☐ Two months (37 CFR 1.17(a)(2)) $_____

    ☐ Three months (37 CFR 1.17(a)(3)) $_____

    ☒ Four months (37 CFR 1.17(a)(4)) $1,440

    ☐ Five months (37 CFR 1.17(a)(5)) $_____

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: $ _____ .

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501458 .
I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

    ☐ assignee of record of the entire interest. See 37 CFR 3.71

         Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

    ☒ attorney or agent of record.

    ☐ attorney or agent under 37 CFR 1.34(a).

         Registration number if acting under 37 CFR 1.34(a). 33,014 .

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

10/21/02
Date

Signature

George T. Marcou
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

Michael GRANDCOLAS, et al.   Group Art Unit: 2161

U.S. Serial No.: 09/240,588
                                          Examiner: Elisca, P.

Filed: February 01, 1999

For: METHOD AND SYSTEM FOR AUTOMATICALLY HARMONIZING ACCESS
       TO A SOFTWARE APPLICATION PROGRAM VIA DIFFERENT ACCESS
       DEVICES

APPEAL BRIEF

Box AF
Commissioner of Patents
Washington, D.C. 20231

Sir:

This is an Appeal Brief under 37 C.F.R. § 1.192 in connection with the decisions of
the Examiner in an Advisory Action mailed on March 20, 2002. Each of the topics required
by Rule 192 is presented herewith and is labeled appropriately.

(1)   Real Party In Interest

The real party in interest is Citicorp Development Center, Inc. (formerly Transaction
Technology, Inc.)

(2)   Related Appeals And Interferences

There are no other appeals or interferences related to this case.

(3)   Status Of Claims

Claims 14-27 are pending and rejected. Claims 14-27 are hereby appealed.

(4)   Status of Amendments

There are no outstanding amendments.

(5)   Summary Of The Invention

The present invention is directed to a system and method for automatically harmonizing access to a given software application program via different access devices. Through use of the method and system, a financial institution can provide access to a desired application (such as, for example, automatic bill payment services) to customers using different access devices such as web browsers, screen phones and personal computers. A single application program is all that needs to be written and maintained by the financial institution. Page 3, lines 11-17.

The invention achieves the aforementioned objectives by receiving information from the user via the user's access device, including information identifying the type of device being used and the application program the user wishes to access. The application program is then accessed and the information to be displayed to the user is identified. This information is automatically translated into a format which is compatible with the device, including its display, and sent to the device for display. Page 3, lines 22-28.

In order to be processed by a token-creator-mapper into a desired format for the user's device, the application stream of the desired application needs to contain tokens. A token or tag is a single element of an encoding language. As used by the present invention, a token is an element of the electronic communication language used between the financial institution's application software and the token-creator-mapper. Therefore, by adding a token representation to an application stream en route to a customer, one is ensured that the application stream will be in a form comprehensible by the customer's computer system. Page 5, lines 10-19.

When an application stream contains data without any tokens, the stream may be directed to a parser, which then adds a token representation or tokenizes the application

stream. The tokenized application stream is then directed to the token-creator-mapper, which maps the application stream into a token representation that is understood by the user's device. Page 5, line 20 – Page 6, line 12.

(6) **Issue**

Whether the Examiner's rejection of claims 14-27 under 35 U.S.C. 102(e) as being anticipated by Nguyen et al. (U.S.P. No. 6,072,870) is proper.

(7) **Grouping of Claims**

Claims 14-27 are arranged into 3 groups, wherein the claim(s) in each group stand or fall together for purposes of this appeal.

GROUP	CLAIMS
(1)	14-18, 22, 23, 26, and 27
(2)	19-21
(3)	24, 25

(8) **Argument**

The Rejection of Claims 14-27 Under 35. U.S.C. § 102(e) As Being Anticipated by Nguyen et al. is Not Proper

Despite a Response to Final Office Action differentiating Nguyen et al. from the claimed invention, as filed on February 19, 2002, the Examiner maintained the rejection of pending claims 14-27 in the Advisory Action, stating in general that,

> "Applicant argues that Nguyen et al. does not teach 'a random capture token to associate the payment capture request...'". As specified by the Examiner in the [Final] Office Action mailed on 11/19/2001, page 4, lines 1-5, this limitation is disclosed by Nguyen."

Once again, this rejection is respectfully traversed for at least the following reasons:

With regard to claims 14-18, 22, 23, 26, and 27, the Examiner asserted that the claimed limitation of "creating a token representative of the data stream from the desired application" is disclosed by Nguyen et al. in col. 18, lines 48-67, specifically,

> "wherein it is stated payment gateway computer system generates a *random* capture token. *Random capture token is utilized in subsequent payment capture processing to associate the payment capture request with the payment authorization request being processed*, please note that the process of utilizing or generating token by the computer system in subsequent payment capture is readable as the process of creating a token representation of the data." (Emphasis added). *See* Final Office Action of 11/19/01, p. 4.

As admitted by the PTO in the aforementioned paragraph, Nguyen et al. actually teach away from the claimed invention because their payment gate computer system merely generates a *random* capture token *to associate the payment capture request with the payment authorization request*. Thus, the process of utilizing or generating a token by the computer system of Nguyen et al. in subsequent payment capture is *not readable* nor *can it be interpreted* as the process of "creating a token representation of a data stream of the desired application" as claimed. In other words, the capture token generated by the system of Nguyen et al. is merely a *random* token associating a payment capture request to a payment authorization request, and it is not used as a token representation of the data stream parsed from the desired application (i.e., the payment capture request or the payment authorization request, if they can even be considered as applications) as claimed.

Claims 14-18, 22, 23, 26, and 27 stand or fall together with regard to the rejection under 35 USC §102(e) as being anticipated by Nguyen et al. for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 14-18.

With regard to claims 19-21, they are allowable over Nguyen et al. and other references of record for the same reasons set forth above with regard to claims 14-18. Furthermore, Nguyen et al. fail to disclose the features of claims 19-21, namely, "a token-creator-mapper for creating *a first token representation* and *a second token representation*

of the data provided by the application that are respectively received by the first access device and the second access device." (Emphasis added).

Claims 19-21 stand or fall together with regard to the rejection under 35 USC §102(e) as being anticipated by Nguyen et al. for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 19-21.

With regard to claims 24-25, they are allowable over Nguyen et al. and other references of record for the same reasons set forth above with regard to claims 14-21. Furthermore, the process of authorizing credit in the system of Nguyen et al. *is not readable* nor *can it be interpreted* as the process of identifying the data stream as a legacy application stream, as asserted by the Examiner. *See* Final Office Action of 11/19/01, p. 3. This is because the *random* token representation in col. 18, lines 48-65, cited by the Examiner is not a created token representation of the authorizing credit data stream of Nguyen et al., i.e., the legacy application stream as stated in claim 24.

Claims 24-25 stand or fall together with regard to the rejection under 35 USC §102(e) as being anticipated by Nguyen et al. for purposes of this appeal. For the reasons stated above, it is respectfully requested that the Board recognize the deficiencies in the Examiner's rejection of the claims, reverse the Examiner's rejection, and allow claims 24-25.

Conclusion

For at least the reasons given above, the rejection of claims 14-27 is improper. It is respectfully requested that such rejections by the Examiner be reversed and claims 14-27 be allowed. Attached below for the Board's convenience is an Appendix of claims 14-27 as currently pending.

Respectfully submitted,

Date: **10/21/02**

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By: _____
George T. Marcou
Registration No. 33,014

(9) Appendix

14. A method of interfacing a plurality of different access devices to either a legacy application or a canoncial application comprising;

parsing a data stream from the desired application if the desired application is a legacy application;

creating a token representation of the data stream from the desired application, regardless if the application is a legacy application or a canonical application; and

forwarding the token representation to one of the plurality of access devices.

15. The method of claim 14 further comprising:

displaying the data stream on the one access device.

16. The method of claim 14 wherein the one access device is a home computer.

17. The method of claim 14 wherein the one access device is a personal digital assistant.

18. The method of claim 14 wherein the one access device is a screenphone.

19. A system for distributing information to a plurality of customers comprising:

an application for providing data in response to a request for data;

a token creator-mapper for creating a first token representation of the data provided by the application and a second token representation of the data provided by the application; and

a plurality of different access devices for each of the plurality of customers wherein a first access device receives the first token representation of the data and the second access device receives the second token representation.

20. The system of claim 19 wherein the first token representation and the second token representation of data include data specific to one customer.

21. The system of claim 19 wherein the first token representation and the second token representation of data include data generic to the plurality of customers.

22. A method of interfacing an access device with a software application, comprising:

producing a data stream from the software application;

providing a token representation of the data stream from the software application; and

forwarding the token representation to the access device.

23. The method of claim 22, wherein providing the token representation of the data stream from the software application comprises:

identifying the software application as one of a legacy application and a canonical application.

24. The method of claim 23, wherein providing the token representation of the data stream from the software application further comprises:

if the software application is identified as a legacy application, identifying the data stream as a legacy application stream;

determining that no token representation exists for the legacy application stream; and

creating the token representation of the legacy application stream.

25. The method of claim 24, wherein forwarding the token representation to the access device comprises:

mapping the token representation to a token stream that is particular to a renderer of the access device.

26. The method of claim 23, wherein providing the token representation of the data stream from the software application further comprises:

if the software application is identified as a canonical application, identifying the data stream as a canonical application stream having the token representation of the canonical application stream.

27. The method of claim 22, wherein forwarding the token representation to the access device comprises:

mapping the token representation to a token stream that is particular to a renderer of the access device.